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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,856	05/21/2007	**Hermann Granzer**	2004P00681WOUS	2800

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EXAMINER	
EL-ZOOBI, MARIA	

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,856	GRANZER ET AL.	
	Examiner	Art Unit	
	MARIA EL-ZOOBI	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/22/2006 and 07/20/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 11-12, 14-15, 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11, 14, and 20 claims the limitation "data link is a broad-band" is indefinite because the claim does not define how broad the band is. Claim 12, 15 and 21claims the limitation "the data link is a narrow band" is indefinite, because the claim does not define how narrow the band is.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 7, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102 (b) as being unpatentable by Ferenc (US Patent 4,962,497).

Regarding claim 7, Ferenc discloses, a method for automatically setting up a data link between a first subscriber and a second subscriber (Col. 31, lines 8-28; also see Fig. 2), comprising:

forming a TDM based trigger (when the user goes off-hook; a request for set up a

call is transmitted through the TDM link; Col. 30, lines 13-15);

transmitting the trigger from the first subscriber over a land-line network to the second subscriber (Col. 30, lines 48-59);

receiving the trigger by the second subscriber (Col. 29, lines 33-35); and establishing the data link between the first and second subscribers by the second subscriber in response to receiving the trigger (Col. 29, lines 35-43).

Regarding claim 16, Ference discloses, a method for controlling a data link between at least two subscribers (Col. 31, lines 8-28 and see Fig. 2), comprising:

providing a first and second subscriber (see Fig. 2, el. 107)

forming a TDM based trigger (when the user goes off-hook and dial the number, a request for set up a call is transmitted through the TDM link; Col. 30, lines 13-15) and

sending the TDM-based trigger by the first subscriber (Col. 30, lines 48-59) whereby the data link is automatically set up between the first and second subscriber and Col. 29, lines 35-43).

Regarding claim 17, Ference discloses, wherein the trigger is end subscriber-based (it is inherent that, the call request is initiate at the subscriber end when the user request a service).

Regarding claim 19, Ference disclose, the trigger is network-based (see Fig. 7; the set up request go from a node to a central stage network through a TDM link , where the network process the request/trigger, also see Col. 16, lines 3-15).

Regarding claim 20, Ference discloses, the data link is broad-band (Col. 5, lines 43-47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim8-11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferenc (US Patent 4,962,497) in view of Davide (UK Patent application GB 2386290).

Regarding claim 8, Ferenc discloses, the trigger is formed in a message format (when the user goes off-hook, a request for establishing a connection is formed in a message format; Col. 23, lines 43-45).

Ferenc does not disclose that the trigger is formed in accordance to SMS.

Davide discloses, the trigger is formed in accordance to SMS (Pg. 6, lines 25-34 and Pg. 7, lines 4—9 and 11-18).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made, to modify Ference method to include, sending a trigger in SMS format, in order to allow the reception side to read the initiating message, so when the called party busy he/she can inform the caller in what time to call back or inform the

caller with the recent circumstances.

Regarding claim 9, Ference in view of Davide discloses, informing the first subscriber of the existence of the data link by the second subscriber (Ferenc: Col. 26, lines 51-59; when the second party is ready it response to the request).

Regarding claim 10, Ference in view of Davide discloses, the first subscriber is informed via the data link (Col. 27, lines 7-15 and 28-38).

Regarding claim 11, Ference in view of Davide discloses, the data link is broad-band (Ference: Col. 5, lines 43-47).

Regarding claim 18, Ference discloses that the trigger is constructed as a land line network message (Col. 23, lines 43-45 and Col. 30, lines 13-15; this message is transmit through a TDM land line)

Ference does not explicitly disclose the trigger is constructed as an SMS.

Davide discloses, the trigger is formed in accordance to SMS (Pg. 6, lines 25-34 and Pg. 7, lines 4—9 and 11-18).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made, to modify Ference method to include, sending a trigger in SMS format, in order to allow the reception side to read the initiating message, so when the called party busy he/she can inform the caller in what time to call back or inform the caller with the recent circumstances.

6. Claim12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferenc (US Patent 4,962,497) in view of Davide (UK Patent application GB 2386290) and further in view of Gagnon (US Patent 4,130,729).

Regarding claim 12, Ference in view of Davide disclose a data link that could be formed between two telephones (Ference: see Fig. 2, el. 107)

Ference in view of Davide does not explicitly disclose that the data link is a narrow-band.

Gagnon discloses a data link between two telephone and this data link is a narrow band link (Col. 3, lines 31-37).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Ference in view of Davide method to include a narrow band data link when connecting two telephone devices, in order to save bandwidth when the amount of data to be send is not to big.

7. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goo (EP 1292091) in view of Ferenc (US Patent 4,962,497).

Regarding claim 13, Goo discloses, a method for automatically setting up a data link between a first subscriber and a second subscriber (see Fig. 2), comprising:

forming a first trigger in a accordance to SMS (Paragraph 0016 and 0014; when the user initiate/request call by going off-hook and transmitting a request

Message)

transmitting the first trigger from the first subscriber over a land-line network to a central device (Paragraph 0016; the request message go to the gatekeeper 110 through a PBN)

receiving the first trigger by the central device (Paragraph 0016 and 0017)

initiating a second trigger to the second subscriber from the central device in response to receiving the first trigger (Paragraph 0017 and Fig. 2, el. 209)

receiving the second trigger by the second subscriber (Paragraph 0018); and establishing the data link between the first and second subscribers by the second subscriber in response to receiving the second trigger (Paragraph 0018).

Goo does not disclose that the first trigger is TDM based trigger.

Ference discloses a TDM data link for connecting terminals and a message/request to initiate a call between two terminal is transmit through a TDM link (Col. 30, lines 13-15 and Col. 31, lines 8-28)

Therefore, it would be obvious to one with ordinary skill in the art, at the time the invention was made to modify Goo method to include TDM in order to be able to send different data on the same channel using the available time slots.

Regarding claim 14, Goo in view of Ference discloses, the data link is broad-Band (Ference: Col. 5, lines 43-47).

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goo (EP 1292091) in view of Ferenc (US Patent 4,962,497) and further in view of Gagnon (US Patent 4,130,729).

Regarding claim 15, Goo in view of Ference disclose a data link that could be formed between two telephones (see Fig. 2, el. 107)

Goo in view of Ference does not explicitly disclose that the data link is a narrow-band.

Gagnon discloses a data link between two telephone and this data link is a narrow band link (Col. 3, lines 31-37).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Ference in view of Davide method to include a narrow band data link when connecting two telephone devices, in order to save bandwidth when the amount of data to be send is not to bi

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ference (US Patent 4,962,497) in view of Gagnon (US Patent 4,130,729).

Regarding claim 21, Ference discloses, a data link that could be formed between two telephones (see Fig. 2, el. 107)

Ference does not explicitly disclose that the data link is a narrow-band.

Gagnon discloses a data link between two telephone and this data link is a narrow band link (Col. 3, lines 31-37).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Ference method to include a narrow band data link when connecting two telephone devices, in order to save bandwidth when the amount of data to be send is not to big.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOOBI whose telephone number is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. E./
Examiner, Art Unit 2614
/Maria El zoobi/
Examiner, Art Unit 2614

/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614